

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Letters Patent Appeal No. 445 of 2017 (O&M)
Date of Decision: 23.3.2017

Pritam Kaur

..Appellant

versus

Financial Commissioner (Appeals), Punjab and others ..Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR.JUSTICE RAMENDRA JAIN

Present: Mr. Paramjit Rajput, Advocate, for the appellant.

RAMENDRA JAIN, J.

1. Challenge has been laid by the appellant through this Letters Patent Appeal under Clause X of the Letters Patent against the order dated 01.02.2017 passed by the learned Single Judge dismissing the Civil Writ Petition No. 1235 of 2017, assailing the appointment of Sukhjinder Singh-respondent no.4 as Lambardar of the village Mehmedpur, Tehsil Bhaloth, District Kapurthala (Punjab).

2. Learned counsel for the appellant submitted that respondent no.4, though a post graduate and younger in age to the appellant, would not be in a position to discharge his function as a Lambardar properly and efficiently because he, on account of his vocation as Press Correspondent, cannot live permanently in village, whereas the appellant, being a house wife and 7th class pass, lives permanently in the village involving herself in social activities regularly and thus, it would be more appropriate to appoint her as Lambardar than respondent no.4. Both the learned authorities below

and the learned Single Judge did not consider this aspect of the matter in its correct perspective. In support of his arguments, learned counsel for the appellant has placed reliance upon the judgments rendered in the cases of Neeraj Kumar versus State of Haryana, 2013 (2) Local Acts Reporter 526 and Shri @ Siri Niwas versus State of Haryana and others 2013 (2) Local Acts Reporter, 533.

3. We have heard learned counsel for the appellant and gone through the impugned orders passed by the authorities below and the learned Single Judge.

4. As per own version of the appellant, respondent no.4 is a post graduate and thus, is, evidently a highly qualified person as compared to the appellant, who is, allegedly, 7th class pass. An assertion of the appellant that respondent no.4 would not be able to discharge his official duties as Lambardar in an effective manner, has no legs to stand, inasmuch as the job of a Press Correspondent is not a permanent in nature engaging him for the whole day and, therefore, it does not lie in the mouth of the appellant that she is much more competent than respondent no.4 to be appointed as Lambardar. That apart, more significantly, a Press Correspondent can utilise his services efficiently for the welfare of the mankind as also hear and raise the genuine grievances of the people effectively by putting them before the State or its functionaries for their redressal, if the need so arises.

5. The cases relied upon by the learned counsel for the appellant in Neeraj Kumar and Siri Niwas's (supra) are based on the factual matrix involved and are, therefore, distinguishable from the facts of the present case and, thus, no benefit of the same can be derived by the appellant.

6. In view of the foregoing reasons, we do not find any illegality

or impropriety in the impugned order dated 01.02.2017 passed by the learned Single Judge and as such, the same is hereby affirmed.

7. The Letters Patent Appeal is, accordingly, dismissed.

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8. There is a delay of 03 days in filing the appeal. Since the main appeal has been dismissed on merits, no further orders are required to be passed in the application for condonation of delay in filing the appeal and the same is left open.

9. Registry is directed to bring this order to the notice of the respondents so as to avoid any concealment of this order by the appellant.

(RAMENDRA JAIN)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

23.3.2017
VK

1.	Whether speaking/reasoned	Yes/No
2.	Whether reportable	Yes/No